

MINUTES FOR ORDINARY MEETING OF COUNCIL

20 August 2014

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 7.00pm
Closure: 8.34pm



Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

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These minutes will be confirmed at the Ordinary Meeting of Council to be held on 17 September 2014.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

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1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7pm.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

The following members were in attendance:

Cr Robert Hawes	President (Presiding Member)
Cr Michelle Rossouw	Deputy
Cr Alex Douglas	
Cr Don Gibson	
Cr Doreen Mackie	
Cr Barni Norton	

The following staff were in attendance:

Jim Garrett	Acting Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services
Mr Azhar Awang	Executive Manager Development Services
Mrs Karen Parker	Manager Human Resources
Ms Kim Perry	Executive Assistant (Minute Secretary)

There were nineteen members of the general public in attendance.

2.2 Apologies

Gary Tuffin	Chief Executive Officer
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2.3 Approved leave of absence

Council has previously approved leave of absence for Cr Sandra Clarke for the period inclusive of 22 August 2014 until 12 September 2014.

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Response to previous public questions taken on notice

4.1.1 Public Question Time – C O’Neil – Economic Development Strategy and Shire Budget

Clint O’Neil, Lower Chittering asked the following questions at the Council meeting held on 16 July 2014

Question 1 Can Council identify how many of the 2002 economic development strategy recommendations have been successfully implemented to the benefit of the community?

Response 1 The strategies identified within the 2002 Strategy were listed as follows:

1. Local Government be committed to play a leadership role in managing economic growth and quality of life for the Community.

The Shire of Chittering is committed to the facilitation of local infrastructure works, business assistance programs and promotional campaigns which will benefit both the Shire and the region.

2. Improve the communication links between the Shire and the Community.

In 2012 Council endorsed both a Community Engagement Plan and a Communication Plan in order to establish a standard communication / engagement process and ensure that inclusive consultation is undertaken at all times. The Plans also ensure that the Community is kept informed. Other improvements include a revamp of our website, introduction of a Facebook Page and monthly e-newsletter.

3. To ensure that the Chittering region has access to reticulated potable water supplies.

The Shire of Chittering continues to advocate for better water access within the Shire through the WAPC, Water Corporation and Minster for Water. Discussions are ongoing.

4. To ensure the timely and appropriate provision of land to foster economic growth.

This is being addressed through the Executive Manager Development Services’ portfolio. The first scheme amendment for the Mucea Employment Node is currently being dealt with, which will allow for the creation of the first 41 lots of the potential 440 lots.

The development and implementation of the Local Planning Strategy in 2004 and the current review of the document pave the way forward to identify land development to accommodate for the future growth of the Shire.

5. To encourage existing business expansion and attract new business in sectors compatible with sustainable rural living.

Council's ability to address this item is limited; however, this Strategy attempts to address this.

6. To stimulate and encourage innovation and entrepreneurial development to improve rural production returns within the region.

Again Council's ability to directly influence this item is limited; however, this Strategy aims to address this.

7. To transform tourism in Chittering into a thriving and prominent local industry.

Council currently assists Chittering Tourism in the promotion of the area and the various community events. The new Strategy aims to strengthen this.

8. To facilitate the provision of improved services, including telecommunications, road infrastructure, power, health and education for the region.

The Shire of Chittering is committed to the facilitation of the provision of improved services and as such continues to advocate when appropriate.

9. To nurture a culture of continuous learning for all members of the Community.

This Strategy aims to address this.

10. Empower youth and foster leadership and enterprising attitudes, behaviours and skills to ensure youth become an integral group within the Community.

This is being addressed through the Community Development Officer's portfolio, a number of new youth initiatives have been implemented i.e. Development of a Youth Plan, creation of the Shire of Chittering "Youth Krew" and other youth related events.

Question 2 It is my understanding that the Shire has engaged a consultant to produce a developer contribution plan for the Shire. It is also my understanding that the State Government has made funds available for infrastructure developments, administered through the various development commissions.

Is the DCP advanced enough for the Economic Development Officer to submit an infrastructure development funding application to the Wheatbelt Development Commission to support and advance the infrastructure requirements of the identified strategic Muchea Employment Node, consistent with item 5.9?

Response 2 No, and the Developer Contribution Plan (DCP) has been produced as a statutory document for the collection of development contributions by property developers, not to seek external funding.

Question 3 Item 4.2.7 of the strategy makes specific reference to “the Shire of Chittering developing water infrastructure investment plans with the Water Corporation and Department of Water”

Whilst recognizing that Water Corporation has existing ‘at capacity’ water service infrastructure, servicing customers within the non-exclusive Bindoon-Chittering operating area, is Council proposing to exclude existing, potential water service providers from entertaining water infrastructure investment plans for the provision of water supply services within the Shire by its proposed action?

Response 3 No, and we have recently been advised by Water Corporation that the Bindoon Chittering operating area is not at capacity yet, for either water supply or the infrastructure to supply the water.

Question 4 It would appear that all ratepayers received a letter dated 14 July 2014 from the Shire making reference to compulsory curbside waste collection, incurring a fee of \$310pa.

As the Shire administers the relevant Act and has identified specific zones on the map supplied, has the Council by this method introduced a differential rating system for various ratepayer groups within the Shire?

Response 4 No, the fee has been imposed in accordance with *Section 67 of Waste Avoidance and Resource Recovery Act 2007*.

Question 5 If the compulsory payment is classified as a differential rate, is Council also proposing to introduce a differential rating system for agricultural businesses operating in agricultural resource zones and introduce a new commercial/industrial rating classification?

Response 5 Refer to response to question 4 above.

4.1.2 Public Question Time – S Vallance – Economic Development Strategy and Shire Budget and Shire Rates

Steve Vallance, Muchea asked the following questions at the Council meeting held on 16 July 2014:

Question 1 Is this an acceptable attitude for the Shire to take to the community’s assets?
Local planning policy No 2 Muchea Village:

Point 4.5 page 33. Policy: To consider the use of Lot 20 (Reserve 9213) for community purposes including aged accommodation, recreation in the form of a playground of other compatible uses.

Response 1 The asset (land) is vested in the Education Department and Council has no control over its use.

Question 2 Previous Councils considered it a community asset and with so little recreation land available in the Shire why is it not so considered now?

Response 2 The site was identified in 2005 by the Council of the day; however, it was and has never been actioned.

Council is currently responsible for 25.8634 hectares of reserve land in the "Muccha" area.

Given the size and shape of the block, its value as a recreational area is limited. The Development of the "Community Infrastructure Plan" which is currently being finalised, identifying the services and facilities required over the next 5 to 10 years based on the projected future growth figures will provide an indication to Council as to whether the current facilities and future need are suitable based on ratio of population per facilities

Question 3 With parking so limited, Archibald Street now a major thoroughfare and vehicles parked up and down the road on weekends, would it not be a good idea to develop some of this land for parking on the much quieter Carl Street?

Response 3 Council has surveyed Carl Street along the Muccha oval, and parking is possible on both sides of road. A concept design is to be done for forward Capital works programs and put up for Councils consideration in the 15/16 financial year.

Question 4 Can the Shire of Chittering write to the department of lands requesting the vesting of the management order on reserve 9213 with the Shire of Chittering for its care, control and management under sections 3.5.3 and 3.5.4 of the local government act and in accordance with our own policy?

Response 4 Council has not formally considered requesting the transfer of Reserve 9123. Furthermore, it is likely the cost to rate payers to maintain the site would exceed the benefit given the parking proposal referred to in response 3.

Section 3.53 of the Local Government Act relates to unvested facilities. Reserve 9213, is vested in the Department of Education.

Section 3.54 refers to Reserves under control of a local government. Reserve 9213, is not under the control of the Shire of Chittering, it is vested in the Education Department.

Local Town Policy #2 Muccha Town Village is due to be reviewed this year at which time this item will be reconsidered.

Question 5 We have a proposal to increase rates by an alleged 6% + again this year. How much is that % if the extra rubbish impost is included?

Response 5 A rubbish collection charge has been imposed to recover the cost of the service, and has no relationship to the 6% increase in rate revenue, it's not a 6% increase on individual rate assessments. It is not possible to provide an % amount as the proposed revenue increase will impact very differently on all properties as rates

are tied to either the GRV or UV valuation, some will have a (+%) impact and others will have a (-%) impact depending on the movement of their property valuation.

Question 6 Why cannot Chittering join reality and peg rate increases to a maximum of the inflation rate? Belmont did. We are well beyond value for money for the great majority of residents.

Response 6 The % increase in Rates is set by Council to ensure the identified projects and services can be delivered whilst maintaining a zero balanced budget.

Question 7 Is it the case that a “compliance officer” is provided for in this budget? How much would this cost?

Response 7 Yes, a Compliance Officer has been provided for in the 2014/15 Budget. A provision of \$63,315 has been made.

Question 8 Why would less money have been allowed in this budget for planning legal costs when they would obviously go through the roof once we had a “big brother” picking nits for all us all over the Shire?

Response 8 Budget allocations are determined and recommended to Council based on the responsible staff member’s assessment of their Department’s needs for the year.

Question 9 Why is it that the shire of Chittering with a population of 3520 will require 4 town planners (if we get a “compliance officer”) + staff to administer it while Gingin with a population of 4500 has 2 and Swan with 120 000 people has 15?

Response 9 The 2011 ABS statistics stated that the Shire had a population of 4,427, which based on predicted and historical growth rates would place our current population around 4,980.

Last year the Shire of Chittering processed 335 Development Applications, whilst Gingin processed 114.

The Shire of Gingin has a total of 53 staff, Chittering has 43 staff.

Furthermore, it is unlikely the Compliance Officer will have a Planning qualification as it is not considered necessary to perform the role, checking Planning conditions, not recommending/setting them. Additionally, a large portion of the role will involve fire mitigation enforcement (Fire break inspections).

Question 10 What are the push up, covering and cell building costs of the two rubbish tips?

Response 10 The two landfill sites (Bindoon & Muchea) had direct operating costs (excluding Admin expense) during the 2013/14 of \$579,681 and received income (Landfill Maintenance charge & gate fees) of \$233,313, meaning a net operating loss of - **\$346,368** for the year (subject to any further end of year adjustments)

Question 11 Will Council reject this budget tonight on the grounds that it is unsustainable and must be brought into line with Community standards?

Response 11 The Budget was adopted 5/2

4.1.3 Public Question Time – B Rogers – BFAC Notification

Bob Rogers asked the following questions at the Council meeting held on 16 July 2014:

Question 1 Why was not BFAC consulted before this Memorandum of understanding with DFES, which effectively dismissed Dennis Badcock as Chief FCO, was put to council and voted on in March this year?

Response 1 On Wednesday 9 April 2014, Council held an informal meeting with Mr Badcock and the Community Emergency Services Manager.

A special meeting of the Chittering Bush Fire Advisory Committee (CBFAC) was held on Tuesday, 6th May 2014 to discuss the proposed MOU with CBFAC members before signing and returning the document to DFES.

Council gave final consideration to this matter at its meeting held on 21st May 2014.

Question 2 Do you realise that Mr Badcock was half way through a two year term to which he had been duly and democratically elected unopposed by his peers on a shire appointed board?

Response 2 Yes, Council was aware that Mr Badcock had one year left in his current term as the Chief Bush Fire Control Officer, however, the new MOU was effective from 1st July 2014 in line with the funding.

The position of Chief Bush Fire Control Officer is an appointment made by Council, not CBFAC. CBFAC in the past have provided a recommendation for the appointment for Council's consideration.

Question 3 Why were not Mr Badcock and the BFAC committee of this Council given the courtesy of prior notice and advice of this move and why was due process not followed?

Response 3 In hindsight the matter could have been handled better, however, at the time it was thought best to get Council direction on the matter first before discussing with the CBFCO & BFAC as the appointment is a Council decision. The CEO has made a personal apology to Dennis (CBFCO) both verbally and in writing, including all CBFAC members.

Question 4 Why were they not consulted, which is their role, about the suitability of this MOU?

Response 4 CBFAC role is clearly defined in the Act as;

“A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire-breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.”

However, as mentioned above in response 4, reference to CBFAC would have been appropriate, and was later done before returning the document to DFES.

Question 5 Does Council realise that no attempt was made to inform Mr Badcock of this development and he found out from a member of public days after the event?

Response 5 Yes.

Question 6 Do you realise that to this day Council has not recognized nor thanked Mr Badcock for his 14 years of unpaid work as Chief Bush Fire Control Officer on behalf of this community?

Response 6 Council at its meeting held on the 21st May 2014, resolved in part as follows; *“That Council formally recognise the outstanding services provided by the current CFBCO at an appropriate time in the future”*.

Additionally Mr Badcock’s services were also acknowledged by Council representatives at the CBFAC meeting held on 3rd June 2014 and minuted.

4.1.4 Public Question Time – G Belgrove – Targa West

Graham Belgrove, Lower Chittering asked the following questions at the Council meeting held on 16 July 2014:

Question 1 According to the data formulated by Mark Penketh, and in relation to the statements made by Council in reference to the Targa West rally being safer than driving on the Great Northern Highway, it is evident that the lost time injury frequency rate on the GNH is calculated at 2 compared to a LTIFR of 147.05 Targa Australia. Making Targa West rally 71 times more likely to cause injury be it to a participator or spectator than you are if driving on the GNH.

Response 1 Council doesn’t recall making any comment in relation to Targa West being safer than driving on Great Northern Highway (GNH). Rather, that random events occur that are very difficult to fully mitigate, every day certain levels of risk are accepted by travelling down GNH given the heavy traffic volumes. Meaning that regardless of how careful you are it is still possible to be involved in an accident due to another driver’s error.

Question 2 When making such remarks are the councillors merely “shooting from the hip” or are you making statements and decisions based on sound scientific, engineering and economic advice?

Response 2 The comment was merely in relation to accepting that not all risks are able to be controlled to the extent that they can be fully mitigated.

4.2 Public question time

4.2.1 Public Question Time – S Lanman

Sarah Lanman submitted the following questions prior to the Council meeting:

I note from my recent rates bill that the Landfill charge has reduced from \$75 to \$60 this year. However for 10 months of the 2014/2105 year there will be compulsory rubbish and recycling collection for the majority of the Shire residents. This collection greatly increases the variety of items that can now be recycled. I also note that the recycled collections will not be taken to any of the Shire tips but to a designated recycling plant. This will have the two-fold effect of reducing the amount of rubbish to go into landfill and also reducing the recycling load greatly at the tips.

In order to request for tenders on the rubbish collection service the Council will have had to have known the expected tonnage of rubbish and recycling. Therefore the Council will not have been able to reasonably accurately predict the reduced workload at the tips for 2014/15.

Therefore in relation to the \$15 reduction in Landfill charge can the Council please advise on how this was calculated namely:

Question 1 The expected reduction in landfill in the Shire tips in 2014/15?

Response 1 This cannot be determined as it is not known what level of recycling each household will embark on when kerbside pickup commences.

Question 2 The expected reduction in recycling that will be taken to the Shire tips in 2014/15?

Response 2 Estimated 42% as other recyclables like steel, white goods, E waste, oil, recycle trash and treasure shop items and other recyclables that cannot be placed in recycle bins will still need to be processed at the landfill sites.

Question 3 How the \$15 reduction in Landfill charge was calculated for the 2014/15 rates bills?

Response 3 The landfill maintenance change was imposed to offset some of the expenditure relating to Councils' landfill sites. Even with the rate at \$75, Council was still not recovering costs. Council felt that with the imposition of the waste collection charge that the landfill maintenance fee should be reduced to ease the burden on ratepayers. As a result of the lesser fee there was a loss of \$40,815 in revenue. It is envisaged that with the reduced amount of waste going to the landfill, the operating costs will reduce and the maintenance charge may also reduce in future budgets.

Question 4 **The number of households that will have the Compulsory Rubbish Collection in 2014/15 and this number as a percentage of total Shire households?**

Response 4 An estimate of the number of compulsory waste collection services is 1801. A more accurate figure will be available once the bins have been delivered and an audit of services undertaken. This represents approximately 66% of ratepayer assessments.

Question 5 **In light of the expected greatly reduced Landfill and Recycling that will be processed through the Shire tips, why the Muchea tip operating costs have actually increased by \$6,840.70(an increase of 1.45%) instead of decreasing with the expected work load.**

Response 5 The increased costs are a result of costs relating to ground water sampling bores of approximately \$35,000 which is a new cost in this financial year. This is an Environmental Protection Authority (EPA) requirement for the landfill licence renewal.

Question 6 **In light of the expected greatly reduced Landfill and Recycling that will be processed through the Shire tips why the Bindoon tip operating costs have only reduced by \$7,455.64 (a decrease of 5.36%). This decrease seems to very low given the likely decrease in the expected work load and that it is likely to become a transit station only.**

Response 6 The majority of expenses relate to employee costs. The site has not reduced operating hours and therefore is required to be staffed accordingly.

4.2.2 Public Question Time – M Penkath

Mark Penkath submitted the following questions prior to the Council meeting:

Following the running of the Targa West Rally (and as predicted prior to the event) it is evident that the Maryville roads have suffered damage in the form of seal stripping, potholing where seal has broken away from the single coat shoulders of the roads in some places, damage to guide posts, damage to kerbs and fences where vehicles have left the road.

The one of most concern is at the corner of Santa Gertrudis and Shorthorn Pass where there has been kerb damage and fence damage very close to one of the areas main electrical transformers due to a vehicle failing to take the corner.

Question 1 **Has Western Power been notified of the potential damage to its infrastructure?**

Response 1 No, Western Power have not been notified of any potential damage to its infrastructure. On an examination carried out after the event, there was no damage caused to any Western Power infrastructure.

Question 2 What will be the quantum of back charge to Targa West for the damage done to the Shire's Infrastructure?

Response 2 A costing for the repairs has not been completed to date. We are currently undertaking an assessment of video footage of the pre and post event road conditions and road condition reports conducted on the 10 July 2014. A road inspection was carried out by a Targa West representative and the Executive Manager Technical Services on the 20 August 2014.

Question 3 If the Shire chooses not to back charge Targa West how much will my rates increase to pay for the damage?

Response 3 The Shire will be seeking reimbursement from Targa West for any damages caused by the event. There will be no increase in your rates to pay for this damage.

Question 4 Will LGIS be required to pay for any of the damage due to a failure to ensure proper controls were put in place to prevent vehicles leaving the road reserve which occurred in at least two places?

Response 4 No.

Question 5 Given the evidence of surface damage to roads what investigations will the Shire be undertaking to ascertain if any subsurface damage has been incurred in the roads used?

Response 5 No investigations will be carried out to ascertain any subsurface damage, as investigation by Technical Services staff along the Targa West route have shown no surface damage other than rubber marks left on the surface.

Question 6 What will these investigations cost and will Targa West be made to recompense the council for these investigations?

Response 6 There will be no costs as no investigations are planned.

Based on an internet search of the media coverage of the event, other than that on the Targa website and the Shire's website there has been no credible media coverage of the event to promote the Shire or tourism in the area.

Question 7 Can the Shire provide any credible information that shows the event created an economic benefit to the community?

Response 7 There were no measures put in place in order to be able to provide the 'credible information' that you request. This is partly due to the short notice of the event and partly to the difficulty that exists in measuring the economic benefits attached to events / promotion. Referencing Tourism Economics Summary by Larry Dwyer and Ray Spurr of the STCRC Centre for Economics and Policy "*The problem with measuring the economic significance of tourism spending is that 'tourism' does not exist as a distinct sector in any system of economic statistics or*

of national accounts. As a result, tourism's value to the economy is not readily revealed".

Anecdotally the Shire has been advised by two local businesses that 'trade was busy' on the day of the Targa Rally – keeping in mind that there are limited businesses in the area that the rally is run.

Under Section 6.17 of the Local Government Act 1995 states:

6.17 Setting level of fees and charges

- (1) In determining the amount of a fee or charge for a service or for goods for a local government is required to take into consideration the following factors –*
- (a) the cost to the local government of providing the service or goods; and*
 - (b) the importance of the service or goods to the community; and*
 - (c) the price at which the service or goods could be provided by an alternative provider*

Question 8 Given the management of the Muchea landfill costs are largely due to the depreciation and maintenance costs of the traxcavator and other equipment used for pushing up the landfill when did the Council, perform the costs benefit analysis to prove that this option was the most cost effective rather than outsourcing these maintenance and running costs to outside Contractors where this has been undertaken effectively in the past?

Response 8 Due to the projected increase in population which in turn will lead to an increase in waste generation and the need for more landfill airspace a consultant has been commissioned to undertake a Strategic Waste Review to set a clear strategic direction for waste management in the Shire. Landfill site operations are part of this review.

Question 9 Will the Council be making this analysis public?

Response 9 The Strategic Waste Review once finalised can be viewed on request.

The imposed rubbish collection service contract has been set up to suit only certain sized contractors and may be deemed to be a restrictive trade practice under the Trade Practices Act. Can the Council advise when it surveyed the Community to establish the importance or need for the service which then dictated the Contract imposed and how it is not in breach of Section 52 of the *Trade Practices Act 1974 – False Representations.*

53. A corporation shall not, in trade or commerce, in connexion with the supply or possible supply of goods or services or in connexion with the promotion by any means of the supply or use of goods or services –

(f) make false or misleading statements concerning the need for any goods, services, replacements or repairs

Question 10 Can the Council show how it is not in breach of section 53 of the Trade Practices Act as outlined above?

Response 10 The Shire of Chittering engages in the procurement of goods and services in accordance with Section 5.37 of the *Local Government Act 1995* and Part 4 of the *Local Government (Functions and General) Regulations 1996*.

It is to be noted that the former Trade Practices Act has been repealed and replaced by the *Competition and Consumer Act 2010*.

A local government is not required to engage in community consultation prior to engaging in the procurement of goods and services. Section 50 of the *Waste Avoidance and Resource Recovery Act 2007* provides the head of power for waste collection services to be provided by a Local Government.

Question 11 Can the Council show why it is not in breach of Section 46 of the Trade Practices Act 1974 – Monopolization which states:

46 (1) A corporation that is in a position substantially to control a market for goods or services shall not take advantage of the power in relation to that market that it has by virtue of being in that position –

- a) To eliminate or substantially to damage a competitor in that market or in another market;
- b) To prevent the entry of a person into that market or into another market;
or
- c) To deter or prevent a person from engaging in competitive behaviour in that market or in another market

In relation to the treatment of Charlie Brown and the way the rubbish collection tender was instigated?

Response 11 The Shire of Chittering engages in the procurement of goods and services in accordance with *Section 5.37 of the Local Government Act 1995 and Part 4 of the Local Government (Functions and General) Regulations*.

Question 12 The upgrade of the Bindoon Hall is costing the community a large amount of money over and above the grant received. Again when was the whole Chittering community surveyed to establish the importance of this asset upgrade as required under the Local Government Act 1995?

Response 12 Public consultation was undertaken during the preparation of the “Shire of Chittering Strategic Plan 2010-2015”, the “Shire of Chittering Disability Access and Inclusion Plan 2012-2017” and the “Shire of Chittering Strategic Community Plan 2012-2022” (as detailed on pages 14 and 15 of the Bindoon Town Hall Restoration Plan, which is available on the Shire website:

<http://www.chittering.wa.gov.au/discover/projects.aspx>).

- o **Strategic Plan 2010-2015**
 - o Strategy: to provide community centres / facilities to all areas in the Shire of Chittering

- Action: Bindoon Hall refurbishments to continue as funds become available
- **Disability Access and Inclusion Plan 2012-2017**
 - Outcome: to ensure inclusion of people with disabilities and their families in the community and community facilities to all areas in the Shire of Chittering
 - *Note: disability access / facilities included within restoration plan / works*
- **Strategic Community Plan 2012-2022**
 - Outcome: Access to local services
 - Strategies: Improve services to (*facilities for*) the community
 - Outcome: Strengthened social connections
 - Strategies: Facilitate and nurture community interaction (*through provision of facilities / retention of history*)
 - Outcome: Active communities
 - Strategies: Support local community groups (*through provision of facilities*)
 - Outcome: Central activity areas
 - Strategies: Supporting community needs (*through provision of facilities*)
 - Outcome: Sustainable assets
 - Strategies: Maintain and manage assets
 - Outcome: Safe access
 - Strategies: Enable inclusive access (*disability access / facilities included within restoration plan / works*)

Under loan 79 of the Council for the Grader in the annual budget it states \$10K in principal repayments per annum. Given a 5 year old Caterpillar 140M Grader is currently valued at \$150K in the second-hand market and the loan was for the total machine value of \$318K in 5 years' time the grader will owe the Council \$268k or a potential loss of 118k. If the machine is kept in service for 10 years and \$150K can be realised for the sale of the machine the grader will still owe the Council 218K or a potential loss of 68k.

Question 13 What whole of life strategy is the Council going to employ so that the grader will not end up costing the Council excessively such purchasing parts such as transmission when the grader reaches the life of this component around 14000 hours?

Response 13 As part of Council's Ten Year Plant Replacement Program, plant and equipment has a life of nine (9) years or approx. 10,000 hours which is a common practise in Local Government.

Question 14 Given the current loan repayment level will mean the machine will most likely need to be kept in service for around 20,000 hours or 20 years without excessive costs to ratepayers.

What cost benefit analysis has been undertaken on this fleet turnover?

Response 14 Council is in the business of servicing the community, therefore commercial cost benefit analysis are not always suitable, as Cost benefit analyses usually use monetary criteria to evaluate all considerations. This approach works well in traditional economic analysis where most factors can be easily quantified. However, when unpriced values are considered (community service expectation) the practice of valuing all inputs to a cost benefit analysis in monetary terms becomes unworkable.

Under Section 6.35 of the Local Government Act 1995 states:

6.35 Minimum Payment

- (1) Subject to this section, a local government may impose on any rateable land in its district a minimum payment which is greater than the general rate which would otherwise be payable on that land.*
- (2) A minimum payment is to be a general minimum but, subject to subsection (3), a lesser minimum may be imposed in respect of any portion of the district*
- (3) In applying subsection (22) the local government is to ensure the general minimum is imposed on not less than*
 - (a) 50% of the total number of separately rated properties in the district; or*
 - (b) 50% of the number of properties in each category referred to in subsection (6).*
- (6) For the purposes of this section a minimum payment is to be applied separately, in accordance with the principles set forth in subsections (2), (3) and (4) in respect to each of the following categories –*
 - (a) to land rated on gross rental value; and*
 - (b) to land rated on unimproved value; and*
 - (c) to each differential rating category where a differential rate is imposed.*

Question 15 Can the Council confirm if the number of GRV rateable properties charged the minimum rate exceeded 151 properties?

Response 15 Council can confirm the number of GRV minimums did not exceed 151 properties.

Question 16 Can the Council confirm if the number of UV rateable properties charged the minimum rate exceeded 1142 properties?

Response 16 Council can confirm the number of UV properties did not exceed 1142 properties.

My rates increased by 12% this year compared to the average 7% increase advertised with no increase in unimproved value which was also 2.5 times the minimum rate please advise how the Council is not in breach of the Trade Practices Act 1974 No 51 – Section 49 Price Discrimination which states: - 49(1) A corporation shall not, in trade or commerce, discriminate between purchasers of goods of like grade and quality in relation to –

- a) The price charged for the goods;
- b) Any discounts, allowances, rebates or credits given in relation to the supply of the goods;

- c) The provision of services or facilities in respect of the goods; or
- d) The making of payments for services or facilities provided in respect of the goods, if the discrimination is of such magnitude or is of such a recurring or systemic character that it is likely to have the effect of substantially lessening competition in a market for goods, being a market in which the corporation supplies, or those persons supply, goods. Noting that the Local Government is not recognised under the Constitution of Australia to collect taxes it must then only be recognised as restrictive trade corporation under the trade practices act but still subject to the requirements of this Federal legislation.

Please note this section also affects the application of section 4 on the rear of the rates notice in regards to late payments.

Question 17 Can the Council show how it is not in breach of Section 49 – Price Discrimination of the trade practices act in relation to the rates applied to my property?

The Mackay Regional Council has had a supreme court ruling against it over the validity of differential rating.

Response 17 The Shire of Chittering is empowered under Part 6, Division 6, Subdivision 2 of the Local Government Act 1995 to impose rates and service charges. Part 6, Division 6, Subdivision 7 of the Local Government Act 1995, provides for grounds of objection and review of the rate record.

Question 18 Can the Council explain what actions it is taking to ensure fair rates are being applied to the whole community which do not fall foul of this court ruling?

Response 18 Council has given an undertaking to review its rating system. An Independent consultant was engaged to review Council's current rating system and a report has been received endorsed by Council. Two community workshops were held in May 2013 in Bindoon and Lower Chittering.

The first stage of community consultation began in August 2014, seeking feedback from property owners in relation to the predominant land use of their property. Our aim is to have the changes in place for the 2015/2016 financial year and involves the following steps:

1. Officers will analyse the feedback received from property owners after the consultation period has closed, using a range of techniques from aerial photographs to site visits to determine if they consider the change to be appropriate;
2. A report is prepared for Council to consider and approve the changes;
3. Details of the properties are sent to the Minister for approval;
4. Details are sent to Landgate for a Gross Rental Value to be determined. This involves copying all building plans and forwarding to Landgate to assist with

their determination. The timeliness on this is dependent on Landgate priorities and outside of the control of the Shire of Chittering.

4.2.3 Public Question Time – Steve Vallance

Steve Vallance submitted the following questions prior to the Council Meeting

I noted the shire boasting recently, in media releases, of dragging a ratepayer thru the courts because he was, outrageously, living in his own shed.

It was never the intent of this Council to brag about the court outcome. It was to advise the public that undertaking works without Council approval is a breach of the relevant legislations and therefore commits an offence under law. The offence was for undertaking works without a building permit contrary to s9(a) of the Building Act 2011.

Question 1 How long had he been doing so?

Response 1 In August 2013 Planning Approval was granted for a dwelling, shed and water tank. Condition 6 of the planning approval states that “the proposed shed is for storage purposes only and not for residential habitation”. A site inspection in December 2013 by Council staff regarding an application for a septic tank application witnessed the construction of the shed and converted for residential habitation without the appropriate building approval. This was brought to the attention of the applicant and was told to stop any further works until the appropriate approval had been granted. During the stop work period the applicant continued with the construction of another structure in the form of a patio. Prosecution was initiated and the matter was listed for Court hearing on 7 July 2014.

Question 2 How many complaints had been received from adjoining neighbours?

Response 2 This matter was as a result of Council staff following up on an application for a septic application which had to be inspected prior to commissioning the system. Furthermore Council staff also received complaints regarding the activity on the property.

Question 3 Who gets the \$7500 in fines extracted from him?

Response 3 The fine will go into town planning general revenue. To date, the fine has not been received.

Question 4 How much did it cost the shire to pursue this case? And I mean in total. Staff time, Lawyers, everything?

Response 4 Lawyers expenses to date have been \$650. Approximately 15-20 hours of staff time including report writing to Council, site inspections, meeting with applicant and applicants representatives (lawyer and Planning consultant) including correspondence via email and letters and correspondence to Council’s Solicitors.

Question 5 What is gained by this exercise other than making it harder for this person to afford to build his house and the further alienation of the big majority of the community who were disgusted when they heard about this action?

Response 5 The implementation of the Building Act 2011 requires that a Building approval is obtained prior to commencing work and that the appropriate planning approval is granted prior to issuing a building permit to ensure that the planning conditions are complied with. Undertaking works without the appropriate approval is in breach of the relevant Acts resulting in an offence and may result in a hefty penalty for the offender.

Question 6 What is the exact model of the shire's Vermeer mulcher?

Response 6 Model; BC1230. Year of purchase: 1998.

Question 7 How many hours has it done?

Response 7 965 (Not a true reflection of hours as hour clock was not working for some time).

4.2.4 Public Question Time - Clint O'Neil

Clint O'Neil submitted the following questions prior to the Council Meeting

Question 1 I am seeking clarity on Council powers to impose an arbitrary, contracted kerbside collection service and whether Council in exercising that power has taken into consideration its duty of care responsibilities to property owners, contractors and other road users, where the posted speed limit exceeds 80 km/hr and safety and liability issues may arise?

Response 1 The Shire has various methods of charging for its waste services available to it including imposing a rate for waste services on rateable land and, either in addition or instead of such a rate, to charge for collection services per receptacle collected. Under section 67(1) of the WARR Act 2007, a charge per waste receptacle can be charged in respect of any premises provided with the service and the Shire has the option of imposing the charge on either the owner or the occupier of premises that the Shire provides the waste service to.

The contractor has its own Public Liability Insurance and safety procedures in place for kerbside rubbish collection including flashing lights and signage on rear of vehicle.

Question 2 Is it a statutory requirement for the Shire to have a gazetted waste services local law, detailing the matters in s64(2) of the 'Waste Avoidance and Resource Recovery Act 2007, to enable the Shire to utilize the provisions of s67 of the Act?

Response 2 See response in Point 1 above.
As stated in the provisions of the *Waste Avoidance Resource Recovery Act 2007* (WARR Act), the Shire is able to make local laws covering a wide range of matters with respect to collection of waste from premises and the fixing of fees and charges for such services. However, the Shire also has the power to provide waste services irrespective of whether or not it has made a local law permitting it to do

so. The Joint Committee has advised that it will not support any new local law on waste services.

The Shire has various methods of charging for its waste services available to it including imposing a rate for waste services on rateable land and, either in addition or instead of such a rate, to charge for collection services per receptacle collected. Under section 67(1), a charge per waste receptacle can be charged in respect of any premises provided with the service and the Shire has the option of imposing the charge on either the owner or the occupier of premises that the Shire provides the waste service to.

Furthermore section 61 (1) states that “ A local government (a) may if the CEO consents, and (b) must , if the CEO directs, make local laws in accordance with the Local Government Act 1995 Part 3 Division 2 Subdivision 2 for the purposes specified in section 64 or general for carrying into effect the provisions of this Part.

The CEO (Department of Environment Regulation) has not directed that the Shire of Chittering must make local laws. We have been advised that, the Western Australian Local Government Association is currently drafting a Model Waste Local Law to assist local governments to make their own local laws if they decide to do this. In the meantime the provisions of the *Shire of Chittering Health Local Laws 1998 Part 4 – Division 2 – Disposal of Refuse* apply.

Question 3 **Self-managed and serviced household waste disposal, utilizing the Muchea and Bindoon landfill sites, has been a feature of living in this rural Shire. Now that compulsory kerbside waste collection has been mandated, how does Council justify the \$500,000 tip operating cost provision in the 2014/15 budget, given the now limited ratepayer service demand?**

Response 3 The majority of expenses relate to employee costs. The sites have not reduced operating hours and therefore are required to be staffed accordingly.

Kerbside pick-ups will still be delivered to the Muchea landfill; recyclable waste will be delivered to recycling centres.

It is estimated that there will be a drop of 42% in recyclable’s delivered to the Shires landfill sites, as other recyclables like steel, white goods, E waste, oil, recycle trash and treasure shop items and other recyclables that cannot be placed in recycle bins will still need to be processed at the landfill sites.

\$35,000 of the Muchea Landfill expenses is to install water monitoring bores as per DEC requirements when the Landfill licence is renewed.

Prior to the next budget a review of all operational costs will be undertaken, which will take into account the effect of the introduction of the waste collection service.

PROCEDURAL MOTION / COUNCIL RESOLUTION - 010814

Moved Cr Gibson / Seconded Cr Norton

That Council extend public question time for a further 15 minutes.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

4.2.5 Public Question Time – Graham Belgrove

Graham Belgrove submitted the following questions prior to the Council Meeting

During the last council meeting CR Douglas turned to the public gallery and gloated to the people that he wanted to increase the rate rise by a further 3%. He justified the current increase by saying the larger the shire gets the more expensive it is to run the shire and extra expenses are reflected in our rates. In practice this view seems to be shared by other councillors as the steady growth of the shire over the last 10 years has been paralleled by a consistent average of 6% increase annual rates. Needless to say if this logic was to apply to say Ellenbrook then their rates would be 4 times higher than ours which simply isn't the case, in fact they are about on par.

Question 1 Does council support the views and behaviour of CR Douglas and does council see an end to this onslaught of rate rises year after year? How do you justify all these increases without providing any improvement to services and infrastructure to the wider community outside of Bindoon?

Response 1 I concur that the individual Councillor range of preferred rate increase was from a CPI level 2.9% to 10%, however the majority view was to adopt a 6% increase. Recently a range of projects including:

Upgrades to Wannamal, Muchea & Lower Chittering Halls, Roadworks to Chittering Rd, Chittering Valley Rd, Muchea South Rd and Archibald St, footpath on Mckenzie St Muchea, and development of public open space at Sussex Bend. The current budget has roadwork's being undertaken on Muchea South Rd, Muchea East Rd, Wandena Rd and construction of a BMX track at Sussex Bend. The Muchea Hall is proposed to have a storeroom added to the main hall, Installation of a basketball hoop at John Glenn Park.

I'm now a TW convert not because I find the event exciting and entertaining because I don't. And not because I now consider it safe for residents of Chittering, because I don't. I'm a convert because I concede to the needs of my neighbours and friends, just about all of whom support the event and I don't feel I have a right to deprive them of it. Having said that my position on council having the responsibility to keep the people properly informed about the dangers of such an event has not changed. I don't expect your position has changed either I expect you will keep life saving information from the public in order to maintain support for it.

Question 2 We all know where Michelle was on the day of the event. Where did the other 3 supporting CR's view the event?

Response 2 I was unable to attend the rally but was able to discuss its progress during a phone call to Cr Rossouw, however, I am unaware of the movements of the other Councillors.

4.2.6 Public Question Time – David Barnard

David Barnard asked the following questions at the Council Meeting

In regards to Targa West Rally Mr Barnard stated that he drove around the Targa West course 1 hour before the rally was due to begin and noticed there were no safety barriers up. After the rally had finished he said there were many skid marks on the road and where the vehicles had left the road as speed, it could have been a lot worse as marks went as far as 100m off the road.

- Question 1** What right do competitors have to mark up the roads?
- Question 2** Has Council fulfilled its duty of care?
- Question 3** Did LGIS report back to Council on the Managed Risk level, ie that risk to which MVD community would be exposed, being proposed by Targa West and the means by which this was to be provided?
- Question 4** Does Council accept that anyone or organisation not sitting in Council must not be allowed to decide on the level or risk exposure forced upon their electorate; more particularly in the case that the LGA has approved suspension of the most important deterrent under s.60 of RTA (prosecution of reckless driver) that the Community has come to expect?
- Question 5** Has Council discharged its duty of care and Social Responsibility towards its electorate but substituting monetary compensation by means of PLI instead of insisting on effective safety provision (barriers, etc)?
- Question 6** Before executing the “ Deed of indemnity” mentioned above, did the LGA perform due diligence by making certain that TARGA WEST PTY LTD, not the ultimate holding company at the time, registered with ASIC in December 2004 with 3 one dollar shares, *now* has sufficient funds to meet liabilities in the substitute for the \$100,000,000 PLI? – for example by written confirmation from the Company’s bankers and reviewing a current Company Balance Sheet.
- Question 7** In the event of TARGA WEST PTY LTD being insufficiently funded for the purpose, did the LGA perform due diligence by ascertaining that the directors have sufficient assets for the above purpose?
- Question 8** Will Council give an undertaking that no future TW promotional marketing “Resident Surveys” will be used as a mandate for signing up a contract/memorandum/heads-of-agreement instead of adopting the Risk Management Standards specified in the COP as being the suitable determinant?
- Response** The Shire President advised that the questions are taken on notice and a written response will be provided.

4.2.7 Pubic Question Time – Justin Dawson

Justin Dawson asked the following questions at the Council Meeting

Mr Dawson stated that road safety on Muchea East Road and Hereford Way in Lower Chittering is very unsafe and has had a car rollover in the past.

Question 1 Can the Shire do something to the visibility of that intersection?

Response 1 Acting Shire Chief Executive Officer advised that black spot funding has been provided for this area for lighting and sliplanes.

4.2.8 Pubic Question Time – Rodney Leach

Rodney Leach asked the following questions at the Council Meeting

Rodney Leach said he has been driven from his home because of the Blueberry Bliss gas gun that starts at 6.08am every morning. He said the noise measurement was done but it varies with weather conditions. Bruce Lefroy hears it clearly 6km away on Chittering Road.

Mr Leach stated he has been a horse trainer in the local district for over 16 years, the first time the canon went off his best horse spooked at the quiet time of 6am and all horses are now unpredictable and dangerous. He has been forced to rent a house out of town as he and his wife can't live with the noise. The price of netting at Bunnings is very cheap. Mr Leach has had a decibel reading done by Mr Lee Martin and the reading was 98 decibels at his residence.

Question 1 Why was there no survey done on impact to others?

Question 2 Why is the effect of the gas gun on my livelihood been ignored?

Question 3 We submitted many complaints throughout the year and made the point perfectly clear about the impact of this practice, why has nothing been done?

Question 4 Mr Easter's intention is to put up netting to protect his "high value fruit" which he states the "high cost" to do this means it will take some time to complete as he can't afford it yet he can afford to build a big dam on his property. What can be done to speed up this process?

Response The Shire President advised that the questions are taken on notice and a written response will be provided.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Petition received Friday 15 August 2014 requesting Council call a Special Electors Meeting.

The Special Electors Meeting will be held on 8 September 2014 at 7pm at the Muchea Hall.
(Due to being unable to comply with advertising requirements the meeting has been re-scheduled to Monday 15 September 2014)

6. APPLICATIONS FOR LEAVE OF ABSENCE

6.1 COUNCIL RESOLUTION - 020814

Moved Cr Douglas / Seconded Cr Mackie

That Councillor Norton be granted a leave of absence for the 17 September 2014.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Ordinary meeting of Council – Wednesday, 16 July 2014

OFFICER RECOMMENDATION /COUNCIL RESOLUTION - 030814

Moved Cr Rossouw / Seconded Cr Gibson

That the minutes of the Ordinary meeting of Council held on Wednesday, 16 July 2014 be confirmed as a true and correct record of proceedings.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8. ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 OFFICER'S REPORT

9.1 DEVELOPMENT SERVICES

9.1.1 Cat prohibition on Development Plans*

Applicant	Shire of Chittering
File ref	19/02/1
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Media Release

Background

Council's consideration is requested in relation to the Development Plan provision on a number of Rural Residential estates prohibiting the keeping of cats.

The areas subject to the provision prohibiting cats include:

- Lot 10 Gray Road (Cammeray) 2009
- Lot 11 Gray Road 2010
- Lot 20 Gray Rd (Rawson Springs) 2010
- Lot 19 Tea Tree Rd (Parkwood Springs) 2007
- Lot 621 Tea Tree Rd (Endeavour Dve) 2009
- Lot 3 Tea Tree Rd (Cockatoo Dve) 2007 (*confined/caged indoors only)
- Lot 9000 (Blue Plains Estate-Dampiera Ct) 2005 (*not other areas)
- Lot 1 GNH (Chittering Rise – Stage 2 onwards) 2006
- Lot 51 GNH 2008
- Lot M1394 Maddern Rd (Chittering Springs) 2010
- Maryville Downs Stage 6 and onwards 2008 (Stages 1-5 not applicable)
- Lot 3 Morley Road (Chittering Retreat) 2008
- Lot 12 Morley Road (Rosa Park) 2006
- Lot 1 Julimar Rd – Rural Retreat
- Lot 101 Tea Tree Road – Rural Conservation 2014

The aim of this report is to obtain Council support to notify all landowners of the situation of the Cat Act requirements and the Development Plan provision relating to the keeping of cats. Following notification it is expected that a further report to Council will be presented to make a final determination on this matter.

Consultation

Department of Planning

The public were made aware of the cat prohibition in a Media Release by the Shire on 6 March 2014 (attached).

Statutory Environment

State: *Planning and Development Act 2005*
Cat Act 2011

Local: *Shire of Chittering Town Planning Scheme No 6*

Policy Implications

Local: *Local Planning Policy No. 32 - Development Plans*

LPP 32 provides guidance for Development Plan applications and sets out the details to be addressed.

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Cat Act 2011

The introduction of the Cat Act 2011 (being in effect since November 2013) makes requirements for landowners to register their cat/s in Western Australia. Other local governments have also introduced local laws to control the keeping of cats.

Development Plans

As listed in the Background of this report, there are a large number of Development Plans in the Shire that contain a provision prohibiting the keeping of domestic cats. It is assumed this cat provision was included in the Development Plan list in areas where it would be appropriate to prohibit cats such as environmentally sensitive areas, wildlife corridors etc.

Conflict

The conflict has now arisen due to the requirement to register cats under the Cat Act, which was not previously required. The legal advice the Shire has received on this issue is along the lines that the registration of the Cat Act and the prohibition of cats on the Development Plan are separate matters. The Shire cannot refuse the registration of a cat based on the prohibition of a cat on the Development Plan as the Cat Act does not 'recognise' planning legislation.

So as it currently sits the Shire is in a position where they can't refuse owners registering cats as they are required to do but may be in a position to notify those owners keeping cats that they are in contravention of the Development Plan and could be prosecuted under the *Planning and Development Act 2005*.

History

In March 2014 the Shire made a Media Release (attached) regarding the keeping of cats based on the issue and confusion surrounding the requirements on landowners. At the time of the media release landowners were given the opportunity to register their cats as an 'amnesty period' but were advised that any other cats not registered would not be permitted.

Given the conflict between the Cat Act registration requirements and the Development Plans prohibiting cats, the staff feel the best way forward is to remove or not act upon the provision of the Development Plans prohibiting the keeping of domestic cats. It is believed now that the Cat Act is in force and handled by the Shire's Rangers and the likelihood of a Local Law being prepared in the future to deal with the keeping of registered cats, that the provision in town planning should not be a part of this process.

Consultation

The Shire has had several discussions with the Department of Planning about this matter. The Department of Planning were generally supportive to remove the cat prohibition provision but also mentioned that if the Development Plans were to be modified and endorsed again that the Department would take this opportunity to review each Development Plan and possibly undertake further modifications to bring them into line with new requirements such as AS3959 and the local biodiversity conservation requirements. It is considered this option will be reviewed following the consultation process.

9.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 040814

Moved Cr Douglas / Seconded Cr Norton

That Council:

- 1. Write to all landowners affected by a Development Plan with the provision relating to prohibiting the keeping of cats advising of the proposed removal of cat prohibition.**
- 2. Advertise the proposal to the general public for notification and opportunity to comment.**
- 3. Compile all submissions and present to Council at the next available Ordinary Council Meeting for final consideration.**
- 4. Advertise the proposed removal of the cat prohibition.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.1.2 Withdrawal of Caveat – Lot 650 McGlew Road, Lower Chittering*

Applicant	Bernville Pty Ltd
File ref	A11438; 04/10/0003
Prepared by	Brendan Jeans, Senior Planning Officer
Supervised by	Azhar Awang, Executive Manager Development Services
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Caveat documents

Background

Council received correspondence from Mcleods Barristers and Solicitors advising of a request from Cornwall Stodart, on behalf of Bernville Pty Ltd for the removal and re-lodging of Caveat M332507 for the purpose to permit the registration of a Lease to NBN Co over Lot 650.

The report to Council is to seek authorisation for the Shire of Chittering to sign and affix the Common Seal to the Withdrawal of Caveat form.

Consultation

Not applicable

Statutory Environment

State: *Transfer of Land Act 1893* (as amended)

Policy Implications

Execution of documents

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Deed/Agreement

The original Deed dated 27 October 2008 is covered by a Replacement Agreement which is protected by the caveat on the land.

Caveat

The Caveat on the Title is in place to protect the purpose of the Deed. As mentioned in the report, the requirements of the Deed must be fulfilled by the owner to the satisfaction of the Shire for the withdrawal of the caveat on the Title to occur, which in this case relates to the ceding of the Public Open Space and subdivision relation conditions. The request involves the temporary removal of the caveat to enable the lease being registered on the land. The caveat is immediately replaced on the Title and retains the requirements of the Deed on the owner.

9.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 050814

Moved Cr Gibson / Seconded Cr Douglas

That Council authorises the Shire President and Chief Executive Officer to sign and affix the Common Seal on the Withdrawal of Caveat form, pursuant to the Transfer of Land Act 1893 (as amended), for Caveat Number M332507 on Lot 650 on Diagram 66292 to enable the Lease to NBN Co over the subject land.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.2 TECHNICAL SERVICES

Nil

9.3 CORPORATE SERVICES

9.3.1 Financial statements for the period ending 31 July 2014*

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Financial Statements for period ending 31 July 2014
Attachments	1. Statement of Financial Activity for period ending 31 July 2014 2. Bank reconciliation for period ending 31 July 2014 3. List of accounts paid for July 2014

Background

In accordance with *Local Government (Financial Management) Regulation 34(1)*, local governments are required to prepare, each month, a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of council within two (2) months after the end of the month to which the statement relates.

The statement of financial activity for the period ending 31 July 2014, financial statements, bank reconciliation and list of accounts paid for the period ending 31 July 2014 are hereby presented for Council's information.

Consultation

Chief Executive Officer
Executive Manager Development Services
Executive Manager Technical Services
Manager Human Resources
Community Emergency Services Manager
Building Co-ordinator

Statutory Environment

State: *Local Government Act 1995*
Local Government (Financial Management) Regulations 1996

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Council is requested to accept the monthly statement of financial activity, financial statements, bank reconciliation and list of payments as presented.

9.3.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 060814

Moved Cr Douglas / Seconded Cr Rossouw

That Council:

- 1. endorse the list of payments:**
 - PR3341
 - PR3351
 - PR3366
 - EFT 9792 - EFT 9892
 - Municipal Fund Cheques 13643 - 13662
 - Direct Debits and Transfers as listed
 - Trust Fund Cheques 417 - 418**Totalling \$918,439.32 for the period ending 31 July 2014.**
- 2. receive the bank reconciliation for the period ending 31 July 2014.**
- 3. receive the financial statements for the period ending 31 July 2014.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.2 Community Sporting and Recreation Facilities Fund*

Applicant	Shire of Chittering
File ref	15/01/15
Prepared by	Arlene Carter, Club & Community Development/Grants Officer
Supervised by	Jean Sutherland, Executive Manager Corporate Services
Voting requirements	Simple majority
Documents tabled	Nil
Attachments	1. Letters of support

Background

Council is requested to prioritise Grant applications for Community Sports and Recreation Facilities Fund Grants (CSRFF). Funding for CSRFF 2014-2015, through the Department of Sport and Recreation (DSR) is currently open for sporting clubs to apply for grants. Part of that procedure is for the applications to be assessed by the Local Government Authority (LGA) and ranked in order of priority for all applications. The applications are then forwarded to DSR for their consideration. The deadline for these applications to be received by DSR is Friday 29 August 2014.

The Shire of Chittering will be lodging an application on behalf of the Bindoon Sports and Recreation Association (BSRA), for the upgrade of the lighting system to the four courts and bowling green areas.

The BSRA and the Club and Community Development Officer met with the Department of Sport and Recreation (DSR) representative Jenifer Collins on 17 June 2014 to discuss the application. The upgrading of the lights fits in with the higher priorities scale that the DSR take into consideration when evaluating applications.

Lights at Bindoon Bowling Club

The existing lighting to this area comprises of four double lights which were installed approximately 29-30 years ago. There are several reasons for these lights requiring upgrading:

- Lighting is inadequate, there are too many black spot areas.
- Foundation has been identified by contractors as being unstable.
- Water is getting into the pole structures and causing random light fluctuation problems, and sometimes they don't work at all.
- Wiring is very old.
- Can no longer change bulbs without using a cherry picker due to OSH standard and policies and access is not possible to all the lights. Previously Shire staff use to climb the poles using foot pegs.

Bindoon Netball Club, Bindoon Basketball Association and Bindoon Tennis

All of these clubs utilise the four courts at the rear of the Chinkabee complex. The biggest club would be Bindoon Basketball Association with approximately 178 members playing four days a week during their season.

Existing lighting to the court area consist of four single lights and two double lights to cover the four courts. This lighting was installed approximately 25 years ago. The reasons for replacing these lights are similar to the above however the main concerns are:

- Because the lighting is inadequate for their sporting needs and does not meet the current sporting regulations.
- Unreliable especially if it has been raining due to water getting into wiring system.
- Four of the foundations to the lighting pole structures have been identified by the contractors as being unstable.

Project costs

The Shire have estimated this project for budget purposes, \$120,000 therefore it will be necessary to tender these works. The tender for this project will be advertised on 9 August 2014 closing on the 25 August 2014.

Consultation

Bindoon Sports and Recreation Association Incorporated
Bindoon Tennis Club
Bindoon Basketball Association
Bindoon and Districts Bowling Club
Jenifer Collins – Department of Sport and Recreation
Jim Garrett – Executive Manager Technical Services

Letters of support from all of the above clubs have been received to go with this application.

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Council has made a provision of \$120,000 for this project in the 2014 – 2015 budget. If the tenders are greater than that amount then a further report will go to Council only if we are successful in obtaining the CSRFF grant.

Strategic Implications

Nil

Site Inspection

A site inspection on the proposed upgrading of lighting to the Chinkabee complex was undertaken on the 17 June 2014 with Andy Gomersall, Bruce Wharton, Gail Smith, Jenifer Collins (DSR) and the Club and Community Development Officer.

Triple Bottom Line Assessment

Economic implications

There are no significant economic implications associated with this report.

Social implications

The upgrade of the lighting will be a benefit to Bindoon Bowling Club, Bindoon Netball Club, Bindoon Basketball Association and Bindoon Tennis Club and possibly the Bindoon Cricket Club if they go ahead with their practice wicket.

Environmental implications

There are no significant economic implications associated with this report.

Comment

DSR have two rounds of funding per year. This round's applications have to be submitted by Friday 29 August 2014. There is one application this round however there is still a requirement for the Council to prioritise and rank. All LGA rankings and ratings must be endorsed by Council and a copy of the Council minutes confirming financial contributions must be included with the application form.

The upgrade of the lights to the court and bowling club areas will be a benefit to four clubs, visiting clubs and members in the future. It is hoped with upgrading the lights that would encourage neighbouring clubs to hold tournaments back in the Chinkabee facility.

9.3.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 070814

Moved Cr Mackie / Seconded Cr Rossouw

That Council endorses a Priority 1 ranking for the application to upgrade the lighting to the courts and bowling green areas at the Chinkabee Complex, Bindoon – and confirms that Shire of Chittering contribution is \$40,000.00 (excluding GST) is available for this project subject to grant approval from the Community Sporting and Recreation Facilities Funding Round 2014-2015, by the Department of Sport and Recreation.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9.3.3 Adoption of Mobile Garbage Bin Tow Hitch Fee

Applicant	Shire of Chittering
File ref	12/03/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Background

Council is requested to adopt a new fee for the sale of Mobile Garbage Bin Tow Hitches.

Council adopted its 2014-2015 Fees & Charges Schedule at the Ordinary Meeting of Council held 25 June 2014.

A fee for the sale of the Mobile Garbage Bin Tow Hitches was not listed in the schedule that was adopted.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

The Tow Hitches have been purchased from Chittering Waste at a cost of \$27.50 (inc GST) each. There will be no financial implications as they will be sold for the same price

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

With the introduction of the Waste Collection Service in 2014-2015 a number of new fees were included in the Fees & Charges Schedule.

A fee for the sale of the Mobile Garbage Bin Tow Hitches was omitted from the listing.

The Mobile Garbage Bin Tow Hitches are to assist residents when delivering their bins to the kerbside.

9.3.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 080814

Moved Cr Douglas / Seconded Cr Rossouw

That Council

- 1. Adopts the Mobile Garbage Bin Tow Hitch fee of \$27.50 (inc GST).**
- 2. Advertises the new fee in the local newspaper with the effective date being 1 September 2014.**
- 3. Amends the 2014-2015 Fees & Charges Schedule accordingly.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY VOTE**

9.4 CHIEF EXECUTIVE OFFICER

9.4.1 Regional Price Preference Policy*

Applicant	Shire of Chittering
File ref	04/03/1
Prepared by	Danica Kay, Executive Assistant
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Regional Price Preference Policy

Background

Council is requested to consider making a Regional Price Preference Policy. At the Ordinary meeting of Council held on 25 June 2014 Council resolved as follows:

“That Council:

- 1. adopt the proposed Regional Price Preference Policy as contained in the attachment for advertising purposes;*
- 2. pursuant to section 24E of the Local Government (functions and general) Regulations 1996, give Statewide public notice that it intends to make the Regional Price Preference Policy, as contained in the Attachment.”*

An advertisement was placed in the West Australian newspaper on 3 July 2014 and submissions closed on Friday 1 August 2014. At the closing date and time, no submissions were received.

Consultation

As required by section 24E the Local Government (Functions and General) Regulations 1996, a Regional Price Preference policy was advertised statewide with submissions closing Friday 1 August 2014

Statutory Environment

Section 24E the *Local Government (Functions and General) Regulations 1996* states the processes involved in making a Regional Price Preference Policy and the guidelines for which.

Policy Implications

New Policy

Financial Implications

Minor fees for advertising.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: N/A

Triple Bottom Line Assessment

Economic Implications

In undertaking the development of this policy, the Shire is attempting to maximise the commercial viability of businesses with its community and to provide maximum opportunity for the creation of locally or regionally based employment.

Council is advised that this policy only applies to tenders, not general purchases.

Social Implications

There are no known social implications associated with this proposal

Environmental Implications

There are no known environmental implications associated with this proposal

Comment

Council is now requested to consider adopting this policy and including in the Shire of Chittering Policy Manual.

In accordance with section 24F of the *Local Government (Functions and General) Regulations 1996*, the policy cannot be applied until the local government gives statewide notice that it has adopted the policy. The local government is also to ensure that a copy of the policy is included with any specifications for tenders to which the policy applies.

9.4.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 090814

Moved Cr Gibson / Seconded Cr Mackie

That Council:

- 1. Adopt the *Regional Price Preference Policy* as contained in the attachment and include in the Shire of Chittering Policy Manual.**
- 2. Pursuant to section 24F of the *Local Government (Functions and General) Regulations 1996*, give Statewide public notice that it has adopted the *Regional Price Preference Policy*, as contained in the Attachment.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY VOTE**

9.4.2 Review of Local Law – Signs, Hoardings and Bill Posting 1993*

Applicant	Shire of Chittering
File ref	19/04/0004
Prepared by	Azhar Awang, Executive Manager Development Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents table	Nil
Attachments	Current Local Law Relating to Signs, Hoardings and Bill posting 1993

Background

The matter was previously considered by Council at the meeting held on 25 June 2014. The process requires Council to formally resolve to undertake the review of the Shires local law signs hoarding and postings and the attachment should have included the current local law.

This matter is again presented to Council to formally resolve to review the said local law and any amendments to it will be undertaken as part of the advertising process.

The Shire of Chittering *By-Law Relating to Signs, Hoardings and Bill Posting* has been in operation since its gazettal on 20 August 1993. The purpose of this report is to review the current By-Laws consistent with the Model Local Law and provides for the regulation, control and management of signs within the district in support of the Shire of Chittering Town Planning Scheme provisions.

The purpose and effect of the “*Shire of Chittering Local Law -Signs, Hoardings and Bill Posting*” is:

Purpose: is to provide for the regulation, control and management of signs within the district in support of the Shire of Chittering Town Planning Scheme provisions.

Effect: is to establish the requirements with which any person seeking to erect a sign within the district must comply and the means of enforcing those requirements.

Consultation

The review of the Local Law will be advertised for public comment in accordance with section 3.16(2) of the *Local Government Act 1995* for a period of forty two (42) days.

Statutory Environment

Local Government Act 1995, Section 3.16 – Periodic review of local laws.

Shire of Chittering Town Planning Scheme No 6:

Clause 5.11 – Advertisements – Power to Control.

5.11.1 For the purpose of this Scheme, the erection, placement or display of any sign and the use of land or any building for the display of any sign involving non site specific advertising is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning approval is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Local Laws.

Policy Implications

Nil

Financial Implications

There will be advertising costs associated with the review of the local law.

Strategic Implications

Nil

Site Inspection

Site inspection undertaken: Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

In accordance with Section 3.16 of the *Local Government Act 1995*, within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires. A local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

The Shire of Chittering *Town Planning Scheme No 6* makes reference to local law when dealing with applications to any sign. In this regard to maintain consistency with current practices and changes in legislation the local law is required to be reviewed.

On adoption of the local law for review, the local law will be advertised for a period of forty two (42) days in the local paper as well as statewide public notice.

Submissions received will be table to Council at the conclusion of the advertising period for Council's further consideration.

9.4.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 100814

Moved Cr Mackie / Seconded Cr Norton

That Council:

- 1. resolve to undertake a review of the Shire's *Signs, Hoarding, and Bill Posting Local Law 1993* in accordance with s3.16 of the *Local Government Act 1995* and give Statewide notice of the proposal to review this local law.**
- 2. Upon the completion of the advertising period all submissions will be tabled at the next available Council meeting for its consideration.**

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0
BY AN ABSOLUTE MAJORITY VOTE**

9.4.3 Affixing of Common Seal – Deed of Indemnity, Targa Rally, Maryville Downs, Lower Chittering*

Applicant	Shire of Chittering
File ref	26/01/5
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	1. Deed of Indemnity – Targa Rally: Maryville Downs, Lower Chittering

Background

At the 25 June 2014 Ordinary Council Meeting Council resolved the following condition:

- 4 *the Applicant indemnifying the Shire of all public liability claims and taking out Public Liability Insurance of \$100 Million for the event, and evidence of such insurance to be provided prior to the event;*

Following the Council meeting the Shire's solicitors were engaged to draw up a Deed of Indemnity between the Shire of Chittering and Targa West Pty Ltd.

Consultation

Chief Executive Officer
McLeods

Statutory Environment

Local Government Act 1995, section 9.49A – Execution of Documents

Policy Implications

1.5 *Execution of documents*

Financial Implications

There are no financial implications as the Deed was prepared at the applicants cost.

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Council is hereby requested to endorse the actions of the Chief Executive Officer and Shire President in signing and affixing the Common Seal to the Deed of Indemnity.

9.4.3 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 110814

Moved Cr Gibson/ Seconded Cr Mackie

That Council endorse the actions of the Chief Executive Officer and Shire President in signing and affixing the Common Seal to the *Deed of Indemnity – Targa Rally, Maryville Downs, Lower Chittering* between Shire of Chittering and Targa West Pty Ltd.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

10. REPORTS OF COMMITTEES

10.1 Minutes of the Chittering Bush Fire Advisory Committee held on Tuesday, 5 August 2014*

Applicant	Shire of Chittering
File ref	09/02/4
Prepared by	Jean Sutherland, Executive Manager Corporate Services
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	"Unconfirmed "minutes of the Chittering Bush Fire Advisory Committee meeting held on 5 August 2014

Background

A meeting of the Chittering Bush fire Advisory Committee (CBFAC) was held on 5 August 2014. There was one formal recommendation moved at the meeting as follows:

"That the Chittering Bush Fire Advisory Committee recommends to Council:

- 1. Appoints Mark Smith as Bushfire Control Officer representing Muchea Volunteer Bushfire Brigade; and*
- 2. Notes the resignation of Paul Martin as Bushfire Control Officer and writes to him thanking him for his service"*

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Not applicable

Financial Implications

Not applicable

Strategic Implications

Not applicable

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

The minutes of the CBFAC meeting are now presented to Council to be received and for Council to make an appointment as detailed in the Committee Recommendation.

COMMITTEE RECOMMENDATION / COUNCIL RESOLUTION - 120814

Moved Cr Mackie / Seconded Cr Rossouw

That Council:

- 1. Receives the unconfirmed minutes of the Chittering Bush Fire Advisory Committee meeting held on 5 August 2014;**
- 2. Appoints Mark Smith as Bushfire Control Officer representing Muchea Volunteer Bushfire Brigade; and**
- 3. Notes the resignation of Paul Martin as Bushfire Control Officer and writes to him thanking him for his service.**
- 4. Endorse the appointment of Mark Smith to represent the Shire of Chittering in the capacity nominated under the:**
 - (a) Bush Fires Act 1954, Section 38 – Fire Control Officers**
- 5. Approve the removal of Paul Martin from the register of Authorised Officers.**

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Elected Member Motion -Cr Gibson – Budget Review

Councillor Gibson provided the following elected members motion on 11 August 2014 via email:

COUNCILLOR RECOMMENDATION

Moved Cr Gibson/ Seconded Cr Norton

That Council hold a budget review before the September Ordinary Meeting of Council to reduce spending on administration and vehicles and redirect savings to essential services such as roads with safety issues and footpaths in Binda place.

THE MOTION WAS PUT AND DECLARED LOST 2/4

Cr Gibson and Cr Norton asked to have their names recorded as voting for the motion

Officers Comment

All light vehicles in the current budget have already been ordered. The reason for the early ordering was because last year a number of items hadn't been ordered prior to the January Budget review, which to some extent made the review process not as effective as we did not know the actual cost of these items to be able to amend their budget amounts.

12. MOTIONS, OF WHICH NOTICE WAS GIVEN DURING THE MEETING, TO BE CONSIDERED AT A LATER MEETING

13. URGENT BUSINESS

14. CONFIDENTIAL ITEMS

OFFICER RECOMMENDATION/COUNCIL RESOLUTION - 130814

Moved Cr Douglas/ Cr Mackie

That Council moves into a confidential session to discuss items 14.1 under the terms of the *Local Government Act 1995, Section 5.23(2)*:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

14.1 Independent Living Units (CONFIDENTIAL ITEM)*

Applicant	Retirees WA Inc
File ref	A9502
Prepared by	Gary Tuffin, Chief Executive officer
Supervised by	Gary Tuffin, Chief Executive officer
Voting requirements	Simple Majority
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Letter dated 1st July 2014 (received 3rd July) – Retirees WA Inc.2. Subdivision plan for lots 5 & 62 Great Northern Highway.3. Landgate Valuation Report dated 23rd September 20134. Sewer Feasibility Study, Shire of Chittering – Bindoon Townsite5. Draft Contract of Sale – prepared by McLeods6. General information (WA Retirees Inc) – Lease for Life7. Certificate of Title8. WAPC approval9. That funds be used for Development costs of the Lot

14.1 OFFICER RECOMMENDATION

Moved Cr Mackie / Seconded Cr Douglas

1. That the offer of purchase by Retirees WA Inc for portion of Lot 62 Great Northern Highway, Bindoon, otherwise known as Lot A, be accepted by Council subject to the following conditions;
 - a) A Contract of Sale be prepared by Council's solicitors (McLeods) and executed by the purchaser and Council which contains the conditions of sale as outlined in the report 9.1.4 Independent Living Units.
2. That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract of Sale and any other associated sale transaction documents for portion of Lot 62, otherwise known as proposed Lot A Great Northern Highway, Bindoon.
3. That funds be used for Development costs of the Lot 62 Great Northern Highway, Bindoon

AMENDMENT

Moved Cr Douglas/ Seconded Cr Mackie

That condition 3 be amended to read as follows:

That the funds from the sale of the proposed Lot A be allocated with priority to development of the Lot 62 and any excess to be put into the development of Binda Place.

**THE AMENDMENT WAS PUT AND DECLARED CARRIED 6/0
AND FORMED PART OF THE SUBSTANTIVE MOTION**

14.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION - 140814

Moved Cr Mackie/ Seconded Cr Douglas

1. That the offer of purchase by Retirees WA Inc for portion of Lot 62 Great Northern Highway, Bindoon, otherwise known as Lot A, be accepted by Council subject to the following conditions;
 - a) A Contract of Sale be prepared by Council's solicitors (McLeods) and executed by the purchaser and Council which contains the conditions of sale as outlined in the report 9.1.4 Independent Living Units.
2. That the Shire President and Chief Executive Officer be authorised to sign and affix the Common Seal to the Contract of Sale and any other associated sale transaction documents for portion of Lot 62, otherwise known as proposed Lot A Great Northern Highway, Bindoon.
3. That the funds from the sale of the proposed Lot A be allocated with priority to development of the Lot 62 and any excess to be put into the development of Binda Place.

THE SUBSTANTIVE MOTION WAS PUT AND DECLARED CARRIED 6/0

Advice Note

Council is aware that after the sale this property will be exempt from rates due to the not for profit status of the organisation.

PROCERURAL MOTION / COUNCIL RESOLUTION - 150814

Moved Cr Douglas/ Seconded Cr Norton

That Council come from behind closed doors

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

At 8.30pm the meeting was re-opened to the public and one member of the gallery returned to the meeting.

15. CLOSURE

The Presiding Member declared the meeting closed at 8.34pm.



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